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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,385	09/19/2003	Tina M. Clark	85273SLP	7497
7590 Thomas H. Close, Patent Legal Staff, Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			EXAMINER VIEAUX, GARY	
			ART UNIT 2622	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/666,385

Applicant(s)

CLARK ET AL.

Examiner

Gary C. Vieaux

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action in response to application 10/666,385 filed on September 19, 2003 in which claims 1-17 are presented for examination.

5

Information Disclosure Statement

The information disclosure statement (IDS) submitted on the following date is in compliance with the provisions of 37 CFR 1.97 and is being considered by the Examiner: September 19, 2003.

10

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15

Claim 13 contains the trademark/trade name Photoflex on line 2. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a reflector and, accordingly, the identification/description is indefinite.

25

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10 **Claims 1-2, 6 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1.)

Regarding claim 1, Steir discloses an imaging kiosk, comprising a housing comprising a continuous curved front surface (figs. 1 and 3), an digital image capture device (col. 4 lines 17-19), disposed in a recess in the front surface (fig. 1), for capturing
15 a digital image of the user, a display (fig. 1 indicator 36; col. 4 lines 28-37), disposed in the front surface, for displaying the captured digital image, as well as disclosing a light source that provides reflected and diffused lighting (col. 4 line 66 – col. 5 line 6), and a reflector surface for reflecting the light emitted from the light source which is disposed proximate to a light source (fig. 3 indicator 46) such that the light source is intermediate
20 a digital image capture device and at least a portion of the reflector (fig. 3 indicators 48; col. 5 lines 1-6.) However, Steir is not found to disclose a single light source disposed adjacent the housing such that the digital image capture device is disposed intermediate the display and the light source.

Nevertheless, Thieme is found to disclose a similar kiosk with a camera (figs. 7
25 and 8 indicator 18) and a display, disposed in a front surface, for displaying the captured image (figs. 7 and 8 indicator 17), a single light source (figs. 7 and 8 indicator

22) being disposed adjacent the housing such that the image capture device is disposed intermediate the display and the light source (figs. 7 and 8.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the single light source in conjunction with the camera/light/display configuration as taught by

5 Theime with the kiosk as taught by Steir so that the user may be properly illuminated during image capture, as well as during kiosk operation by the user.

Regarding claim 2, Steir and Theime disclose all of the limitations of claim 2 (see the 103(a) rejection to claim 1 supra) including disclosing wherein the housing has a width, and the single light source is disposed across the width of the housing ('414 – fig. 10 7 indicator 22.) It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the light source and associated reflector horizontally across the width of the housing as taught by Theime in order to emit a large amount of light so as to help assure well-lit camera images.

Regarding claim 6, Steir and Theime disclose all of the limitations of claim 6 (see 15 the 103(a) rejection to claim 1 supra) including disclosing an imaging kiosk further comprising a data entry device ('171 – fig. 1 indicator 38) disposed proximate the front surface of the housing, the data entry device being arranged so as to be intermediate the user and the housing ('171 – fig. 1.)

Regarding claim 17, Steir and Theime disclose all of the limitations of claim 17 20 (see the 103(a) rejection to claim 1 supra) including further disclosing means for moving the digital image capture device within the recess relative to the housing ('171 – col. 4 lines 17-22.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in further view of Cano (US 4,719,545.)

Regarding claim 3, Steir and Theime disclose all of the limitations of claim 3 (see the 103(a) rejection to claim 1 supra) except for wherein the light source providing a minimum of 120 ft-cd.

Nevertheless, Cano teaches camera lighting which provides 800 ft-cd of light and 3,200 degrees Kelvin color (col. 3 lines 55-64.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the lighting as taught by Cano with the imaging kiosk as taught by Steir and Theime in order to provide adequate light for image capture.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in further view of Gallegos (US 4,866,465.)

Regarding claim 4, Steir and Theime disclose all of the limitations of claim 4 (see the 103(a) rejection to claim 1 supra) except for wherein the light source being spaced at least 8 inches from the digital image capture device.

Nevertheless, Gallegos discloses spacing a light source at least 8 inches from an image capture device (col. 3 lines 52-57.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the light distancing as

taught by Gallegos with the imaging kiosk as taught by Steir and Theime in order to eliminate shadows.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in further view of Tovi (US 4,225,881.)

Regarding claim 5, Steir and Theime disclose all of the limitations of claim 5 (see the 103(a) rejection to claim 1 supra) except for wherein the recess is comprised of a dark color.

10 Nevertheless, Tovi teaches painting an area containing a camera black (col. 2 lines 26-29.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the painting a camera area black as taught by Tovi with the imaging kiosk as taught by Steir and Theime in order to minimize reflections within the camera recess.

15

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in further view of Kakii (US 6,137,526.)

Regarding claim 7, Steir and Theime disclose all of the limitations of claim 7 (see 20 the 103(a) rejection to claim 6 supra) except for expressly disclosing wherein the data entry device has an edge disposed opposite the front surface of the housing, and a distance from the digital image capture device to the edge defines a minimum image

capture distance. However, a minimal image capture distance is found to be inherently defined by the data entry device of Steir, in that the edge of the work surface (fig. 1 indicator 22), which the data entry device necessarily functions upon, provides a physical barrier setting a minimum distance from the user to an image capture device.

5 Furthermore, Kakii is found to disclose employing a table to define an image pickup distance (col. 6 lines 1-7.) Given the teachings of Kakii, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ the edge of the work surface as taught by Steir and Theime in a similar fashion in order to define an appropriate focal distance for image capture.

10 Regarding claim 8, Steir, Theime, and Kakii disclose all of the limitations of claim 8 (see the 103(a) rejection to claim 7 supra) except for expressly disclosing wherein the minimum image capture distance is 2 feet. However, Kakii does allow for the distance image capture distance to vary from 0.5 to 5 meters (col. 13 lines 1-19.) Given the range of possible distances, employed in combination with the range of possible focal
15 distances, the selection of one particular distance in lieu of another is considered merely a form of design choice. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ any one of the various minimum image capture distances, particularly in light of the myriad of contributing decision factors, such as the desired amount of area the kiosk should occupy.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in further view of Thayer (US 5,196,876.)

Regarding claim 9, Steir and Thieme disclose all of the limitations of claim 9 (see
5 the 103(a) rejection to claim 1 supra) except for expressly disclosing wherein the single light source includes a flash operable during the capture of the digital image.

Nevertheless, Thayer discloses a single light source (figs. 1 and 3 indicator 30) that includes a flash operable during the capture of the image (col. 3 lines 18-28.) It would have been obvious to one of ordinary skill in the art at the time of the invention to
10 employ the flash operable light source as taught by Thayer with the imaging kiosk as taught by Steir and Thieme so that the kiosk not only provides light before and after imaging, but may also provide appropriate light during image capture.

Regarding claim 10, Steir, Thieme, and Thayer disclose all of the limitations of claim 10 (see the 103(a) rejection to claim 9 supra) except for expressly disclosing a
15 processor and software operating on the processor to control the operation of the flash. Nevertheless, Thieme discloses control of the image capture process by way of a processor (fig. 2 indicator 13.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have a processor (and the functional software operating on the processor) as taught by Thieme, with the imaging kiosk and flash as
20 taught by Steir, Thieme, and Thayer so as to provide an centralized control structure of the kiosk and its flash operation, as well as allowing for increased adaptability by way of

programming changes and upgrades as they relate to the operation of the kiosk and its flash.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable
5 over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in view of Thayer (US 5,196,876), in further view of Morimoto et al. (US 4,953,029.)

Regarding claim 11, Steir, Theime, and Thayer disclose all of the limitations of claim 11 (see the 103(a) rejection to claim 9 supra) except for expressly disclosing the imaging kiosk further comprising an auto-thyristor.

10 Nevertheless, Morimoto discloses the use of a thyristor to control an electronic flash (fig. 3; col. 4 lines 1-20.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of a thyristor as taught by Morimoto with the imaging kiosk as taught by Steir, Theime, and Thayer in order to conserve power - if the flash unit is not fired at full power then a storage capacitor is not fully
15 drained; versus other flash units which waste a full charge even if the flash would be fired in a low power mode.

Regarding claim 12, Steir, Theime, Thayer, and Morimoto disclose all of the limitations of claim 12 (see the 103(a) rejection to claim 11 supra) including disclosing wherein the digital image capture device comprises a lens ('414 - ¶0304), and wherein
20 the auto-thyristor is disposed proximate the digital image capture device parallel to the lens ('029 - fig. 1; in which the thyristor would be proximate to the image capture

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device, given its inclusion in the kiosk, and would be inherently parallel to the lens, regardless of its location.)

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable
5 over Steir et al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in further
view of Blair et al. (US 5,825,845.)

Regarding claims 14 and 15, Steir and Theime disclose all of the limitations of
claims 14 and 15 (see the 103(a) rejection to claim 1 supra) except for wherein the front
surface comprises a matte finish or wherein the front surface comprises a neutral or
10 white color.

Nevertheless, Blair discloses the use of both matte and black (neutral) finishes in
order to minimize reflected light during imaging (col. 8 lines 52-59.) It would have been
obvious to one of ordinary skill in the art at the time of the invention to employ the
teachings of Blair regarding matte and black finishes with the surface of the imaging
15 kiosk as taught by Steir and Theime as a way to help minimize and control the amount
of light that could possibly be reflected to the imaging device, and thereby creating a
better controlled imaging environment.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steir et
20 al. (US 5,060,171) in view of Thieme (US 2001/0055414 A1), in further view of Chumbly
(US 2002/0093568.)

Regarding claim 16, Steir and Theime disclose all of the limitations of claim 16 (see the 103(a) rejection to claim 1 supra) except for expressly disclosing wherein the display displays a light or white color substantially simultaneously with the capture of the digital image of the user.

5 Nevertheless, Chumbly discloses the display displaying a light (in the form of the user's image being emitted from the display) substantially simultaneously with the capture of the digital image of the user (§0038.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display the image of the user (which constitutes projected light) as taught by Chumbly with the imaging kiosk as
10 taught by Steir and Theime in order for the user to verify being visually positioned within the boundaries of the camera's field of view during image capture.

Conclusion

 The prior art made of record and not relied upon is considered pertinent to
15 applicant's disclosure.

 Barnett et al. (US 5,653,063) discloses an imaging kiosk with a curved front surface.

 Waki et al. (US 6,771,307) discloses matte and black finishes to reduce reflections.

20 Schaffrina (DE 4028670) defines a distance between a user and a panel containing a camera.

Contact


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gary C. Vieaux
Examiner
Art Unit 2622

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